**GOVERNMENT OF ANDHRA PRADESH**
**ABSTRACT**

Public Services – Registration & Stamps Department - Disciplinary proceedings initiated against Sri Ch.V.Brahmam, former Sub Registrar, Tuni (retired on 30-6-2013) for registration of certain documents with undervaluation – Regular enquiry conducted – Inquiry report communicated – Show cause notice Issued – Representation received – Imposing a penalty of 10% cut in pension permanently besides recovery of loss of Rs.8,06,548/- – Orders – Issued.

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**REVENUE (VIGILANCE-II) DEPARTMENT**

**G.O.Rt.No.667** **Dated :10-07-2017.**
**Read the following:**

Ref:
1. C&IG, R&S Lr.No.X2/898/2014, dt:28-7-2014 along with report of DIG, R&S, Kakinada.
2. DIG, R&S, Kakinada Procs.No.X/552/2013, dt:29-6-2013.
3. DIG, R&S, Kakinada Procs.No.X/608/2013, dt:29-6-2013.
4. DIG, R&S, Kakinada Procs.No.X/609/2013, dt:29-6-2013.
5. WSD of Sri Ch.V.Brahmam, former SR, Tuni (Retired) dt:4-12-2013.
6. DIG, R&S, Kakinada Pocs.No.X/552/2013, dt:4-6-2014.
7. DIG, R&S, Kakinada, Lr.No.X/552/2013, dt:20-8-2015 along with IA report.
8. Govt., Memo.No.23989/Vig.II(1)/2014-1, dt:2-1-2016.
9. Representation of Sri Ch.V.Brahmam, former SR (Retd) dt:2-3-2016.
10. DIG, R&S, Kakinada Lr.No.X/552/2013, dt:22-8-2016.
11. Memo.No.23989/Vig.II(1)/2014-2, dt:23-12-2016.
12. Representation of Sri Ch.V.Brahmam, former SR (Retd) dt:9-3-2017.
13. Govt., Lr.No.23989/Vig.II(1)/2014-3, dt:20-4-2017.
14. APPSC Lr.No.398/DC&C/1/2017, dt:19-5-2017.

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**O R D E R:**

Whereas, in the reference 1st read above, it has been reported that the District Registrar (Market Value & Audit) in the Audit Report (Internal Audit Report.No.46/2012) has detected loss of Revenue to a tune of Rs.8,06,548/- in respect of Document Nos. 7022/2011, 7023/2011, 813/2012, 814/2012, 815/2012 and 816/2012 having Sy.No.4 of S.Annavaram village of Sub Registrar Office, Tuni, Kakinada Registration District.

2. And whereas, in the reference 2nd read above, the Disciplinary Authority i.e., the Deputy Inspector General, Registration & Stamps, Kakinada has initiated common disciplinary proceedings against Sri Ch.V.Brahmam, former Sub Registrar, Tuni (now Retired) and another since they were jointly concerned in a disciplinary case.

3. In the reference 3rd read above, the Disciplinary Authority has initiated disciplinary proceedings duly framing the following charge against Sri Ch.V.Brahmam, former Sub Registrar, Tuni (now Retired) and another.

**Charge against Sri Ch.V.Brahmam, former SR, Tuni (now Retired):**

That Sri Ch.V.Brahmam, Sub Registrar, Tuni, Kakinada Registration District, while working as Sub Registrar, Tuni committed grave misconduct in as much as he, while discharging his duties as Sub Registrar, caused huge loss of Revenue of Rs.8,06,548/- (Deficit Stamp Duty of Rs.7,78,736/- + Deficit Registration of Rs.27,812/-) to the Stage Exchequer by registering the document Nos.7022/2011,

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7023/2011, 813/2012, 814/2012, 816/2012 of Sub Registrar Office, Tuni without scrutiny for assessment of proper stamp duty and Registration fee, payable on the documents, wherein, the above mentioned documents having Sy.No.4 of S.Annavaram village of Sub Registrar Office, Tuni, as seen from the market value Register, the above mentioned Sy.No is included in "Abutting to National Highway" classification and the market value has to be adopted @ Rs.38,72,000/- per acre. But, Sri Ch.V.Brahmam, Sub Registrar, Tuni has classified the nature of above Sy.No. as "Dry" and adopted @ Rs.6,00,000/- per acre by violating the market value guidelines, with negligence, lack of devotion to duty and there by caused heavy amount of loss to the State Government".

4. The Charged Officer has submitted Written Statement of Defence stating that as per the certificate issued by the Tahsildar, Tuni and Pattadar pass books issued by the revenue authorities in respect of Sy.No.4 of S.Annavaram (Village) pertaining to the properties for above documents are dry cultivation lands, they are not abutting to National Highway and stated that accordingly, he registered the documents @ Rs.6,00,000/- for the dry cultivation lands as per the market value guidelines register of S.Annavaram (Village). The Charged Officer has further stated that the parties have produced the Pattadar pass books and title deeds issued by Tahsildar, Tuni evidencing to be a cultivated lands and registered the same in the interest of registering public basing on the certificates produced by the parties and not registered intentionally and requested the authorities to consider and to record the same.

5. The Disciplinary Authority having not convinced with the Written Statement of Defence has appointed District Registrar, Rajahmundry as Inquiring Authority in the reference 6th read above.

6. The Inquiring Authority submitted the report stating that on the basis of documentary and oral evidence adduced in the case before him and in view of the reasons given therein, he hold that the charge held proved against Sri Ch.V.Brahmam, former Sub Registrar (Retired) among another.

7. The Deputy Inspector General, Registration & Stamps, Kakinada while agreeing with the findings of Regular Enquiry Officer has stated that the charge framed against Sri Ch.V.Brahmam, former Sub Registrar (Retired) is held proved since he wrongly adopted lesser rate of market value of the property than the value fixed by the Market Value Revision Committee and caused loss of Revenue of Rs.8,06,548/- towards deficit stamp duty and registration fees without making a reference to the Collector under section 47-A of the Indian Stamp Act, 1899 for determination of the correct market value of the property.

8. Government have examined the matter, communicated the Inquiring Authority report to the Charged Officer Sri Ch.V.Brahmam, former Sub Registrar (now Retired) among another in the reference 8th read above for his representation if any.

9. In the reference 9th read above, the Charged Officer Sri Ch.V.Brahmam, former Sub Registrar (Retired) has submitted representation mainly stating among others that the Enquiry Officer failed totally to consider main ingredient of application of Market Value fixed for Sy.No.4 of the S.Annavaram village falling under the Sub Registrar Office, Tuni and the Enquiry Officer arrived at totally incorrect conclusion not genuine to the description of the property contained in the schedules of the document and the certificates issued by the Tahsildar, Tuni and the Sub Registrar, Tuni regarding the adoption of the value fixed for the properties described in the document. He has further stated that the Inquiring Authority framed the issues as per his own whims and fancies overlooking

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the burden of issue borne out by the charge proper and the accompanying imputations of misconduct and stated that by this singular lack of care and caution in framing the issues on wholly/oblique motive, it has resulted in holding the charge as proved based on the misframing of the issues. He has further stated that he framed issue as contained in the charge proper and imputations of misconduct, the only issue that ranked for consideration was that whether the land abutting the national High way should be assessed at Rs.38,72,000/- per acre or whether, the rate adopted by the Charged Officer i.e., Rs.6,00,000/- if the property is not situated along side the main road, the Inquiring Authority would have come to know the difference between these two different values. With the above, the Charged Officer has stated that the findings of the Inquiring Authority are liable to be rejected on the following grounds and requested the Government to treat the findings of the Inquiring Authority may be rejected as arbitrary and bad duly dropping the charge against him.

i) It is disputed that the property described in the 6 documents is far away from the National Highway and classification is only dry land (01 classification). The situation of the land about 1 kilometer from the National Highway is fortified by the certificates issued by the Tahsildar, Tuni and that it is only dry land in classification No.1 in the basic Register of the Department for which, a rate of Rs.6,00,000/- per acre only. The relevant market value check slip generated at the time of Registration of the Documents, also values the land in question at Rs.6,00,000/- per acre for the properties forth coming for registration. No Evidence was adduced during the enquiry for rejecting the classification adopted by the parties in any manner was so ever. In view of non availability of any evidence to the effect either for raising the remarks or for establishing the charge in the enquiry both the classification and market value for this classification as dry land and Rs.6,00,000/- per acre respectively stands irrefundable.

ii) The audit party and the Enquiry Officer omitted to consider the fact that both the ingredients of falling under Sy. No.4 and the situation of the property abutting National High Way have to be met simultaneously for adopting Rs.38,72,000/- per acre. The Enquiry Officer at Page No.7 of the Enquiry Report in analysis of evidence categorically states that lands abutting to National High Way/ State High Way false under classification 05 and hence attract Rs.38,72,000/- for fixed for the said classification 05. It is clear from this admission that 05 classification excludes the normal value of Rs.6,00,000/- for the coming for the land for other classifications also forth coming in the basic register the said higher rate cannot dislodge all other rates for different classifications normally listed under Sy.No.4 of the S.Annavaram Village and the insistence for adoption of this exclusive higher rate of Rs.38,72,000/- for all other classifications severely violates the principles of equity, equality and equal application of law in the matters of Market Value fixations. The Enquiry Officer also failed to give reasons for adoption of the Highest value for rates to the exclusion of all other rates of the properties descriptive in the documents. It is nothing but throwing up confusion and disorder in remarking against the Sub-Registrar, Tuni (the Charged Officer) having committed under valuation of the properties. If such incorrect remarks are made every document can be reopened by insisting the adoption of the site / commercial rate for purely agricultural rates transacted by the parties such remarks only undermine the confidence of the public and promote multiple valuation disputes with the government, even though government permitted the recognition of different classifications for use of land which is not liable to be inner changed and interpolated with one another.

iii) The only moot point for consideration in the enquiry is whether the land

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abutting National High way was omitted adoption despite subject description of the property in the 6 documents disclosed the situation of the property on the National High Way. It is clear from the certificates of the Tahsildar, Tuni the Sub-Registrar, Tuni and issuance of Pattadar pass book and title deeds for agricultural land under the R.O.R. Act 1989, by the Revenue Authorities, and in absence of any evidence to descredit the descriptions of the property in the six (6) documents, it is untenable and incorrect of land to insist on the adoption of the value of Rs.6,00,000/- of land to a simple dry land transaction by the parties through the 6 documents. Therefore, the Charged Officer has stated that in the findings, the Enquiry Officer do not stand the reason law position and application of principles of natural justice. Therefore, the Charged Officer prayed that the charge held as not proved as it is conclusively shown during the Enquiry that the classification of the property is 01 (dry land) but not 05 (vantage properties).

10. Government have examined the matter obtained certain report from the Deputy Inspector General, Registration & Stamps, Kakinada and observed that it was ordered in Inspector General's Proceedings No.MV2/23891/88, dated:17-6-1988 that wherever, there is Senior Assistant (Market Value), both the Sub Registrar and Senior Assistant (Market Value) will be held responsible for any loss of Revenue due to incorrect calculation of Market Value and stated that later, the said orders were modified through Item (iii) in Inspector General's Proceedings No.MV1/25476/94, dated:17-9-1994 that the Senior Assistant (Market Value) shall be solely responsible for any mistake in the calculation of value of the build up area, depreciation allowed, 18 times of Annual Rental Value etc., It is further observed that the Joint Sub Registrar-I of the main (Registrar) Sub Registrar as the case may be held responsible for any mistake other than calculation mistake in implementing the Market Value Scheme.

11. With the above observations, the Deputy Inspector General, Registration & Stamps, Kakinada has further stated that the Charged Officer Sri Ch.V.Brahmam, former Sub Registrar (Retired) has stated that he adopted the rate fixed for the dry land basing on the certificate issued by the Tahsildar, Tuni that the said lands not abutting National High Way, thus, it is evident that, i.e., the Sub Registrar has determined the rate of the lands but not the Senior Assistant (Market value). The Deputy Inspector General, Registration & Stamps, Kakinada has finally stated that Sri Ch.V.Brahmam, former Sub Registrar (Retired) is wholly responsible for the wrong adoption of market value.

12. Government after careful examination of the matter have provisionally decided to impose a penalty of 10% cut in pension permanently against the Charged Officer Sri Ch.V.Brahmam, former Sub Registrar, Tuni, East Godavari District (now Retired) besides recovery of total loss of Rs.8,06,548/-. Accordingly, a Show Cause Notice has been issued with a direction to show cause as to why the proposed penalty should not be imposed against him in the reference 11$^{th}$ read above.

13. In the reference 12$^{th}$ read above, the Charged Officer has submitted the representation stating mainly among others that it is a dry land not abutting National Highway as it is 1 to 2 Kms from the National Highway and also stated that the departmental officers should know that properties abutting National Highway command huge premium while those far flung from the National Highway get only a fractis of main road value.

14. Government after careful examination of the matter have observed that the points putforth by the Charged Officer has already been examined earlier. No fresh grounds have been putforth by the Charged

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Officer. Therefore, it has been decided to confirm the provisional decision i.e., to impose a penalty of 10% cut in pension permanently besides recovery of loss of Rs.8,06,548/- against the Charged Officer Sri Ch.V.Brahmam, former Sub Registrar (Retired).

15. The Andhra Pradesh Public Service Commission have agreed with the proposal of the Government in the reference 14th read above (copy enclosed).

16. Accordingly, Government, hereby order to impose a penalty of 10% cut in pension permanently besides recovery of loss of Rs.8,06,548/- against the Charged Officer Sri Ch.V.Brahmam, former Sub Registrar (Retired).

17. The Director & Inspector General, Registration & Stamps, Vijayawada / Deputy Inspector General, Registration & Stamps, Kakinada shall take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

To
The Individual (**through** the Deputy Inspector General, Registration & Stamps, Kakinada with a request to serve the order on the Charged Officer and furnish the served copy along with dated acknowledgement to Government for record).
The Director & Inspector General, Registration & Stamps, Andhra Pradesh, Eedupugallu, Vijayawada, Krishna District.
The Deputy Inspector General, Registration & Stamps, Kakinada.

**Copy to:**

The Secretary, Andhra Pradesh Public Service Commission at Hyderabad.
SF / SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER